

FROM :

FAX NO. : 2486446530

Apr. 14 2004 02:21PM P2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 14 2004

In Re Application of : Richard W. Kaupila

U.S. Serial No. : 10/728,183

Filed On : December 3, 2003

For : HIGH SPEED TURNOVER APPARATUS AND METHOD

Examiner : Not Assigned

Art Unit : 3652

Attorney Docket No. : KAU-109

OFFICIAL

PETITION TO CORRECT FILING DATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition to correct the filing date of the above-identified application.

Applicant receive an Official Filing Receipt mailed on March 4, 2004 in which a filing date of December 4, 2003 was given. Applicant mailed the application on December 3, 2003 by Express Mail with a duly signed Certificate of Express Mailing.

This application was deposited as Express Mail in an Express Mail pick up box in Birmingham, Michigan prior to the posted 5:00 p.m. pick up time, on December 3, 2003, as stated in the Certificate of Express Mailing filed in this application.

A Postal Service Express Mail label was applied to the package, with the Tracking Number EL720605645US imprinted thereon. The enclosed copy of an Express Mail Customer Copy from that label was later received in the mail. An Express Mail corporate account number was included on the preprinted form.

04/15/2004 TLUU11 00000007 10728183

01 FC:1460

130.00 00

FROM :

FAX NO. : 2486446530

Apr. 14 2004 02:21PM P1

LAW OFFICES
JOHN R. BENEFIEL
PATENTS, TRADEMARKS AND COPYRIGHTS

JOHN R. BENEFIEL
JAMES P. MELOCHE
OF COUNSEL

280 DAINES STREET
SUITE 100 B
BIRMINGHAM, MICHIGAN 48009-6244
TELEPHONE (248) 644-1455
FACSIMILE (248) 644-6530
E-MAIL jbenefiel@sbcglobal.net

April 14, 2004

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APR 14 2004

OFFICIAL

TO: Mr. Paul Shanowski - Petitions Office

U.S. Patent and Trademark Office

FAX NO.: (703) 872-9306

SUBJECT: U.S. Serial No. 10/728,183

NUMBER OF PAGES: 9 (INCLUDING THIS PAGE)

FROM: Jack Benefiel

John R. Benefiel, Esq.
280 Daines Street
Suite 100 B
Birmingham, Michigan 48009-6244
Telephone: (248) 644-1455
Facsimile: (248) 644-6530

COMMENTS:

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APR 15 2004
OJPE/JCWS

The Customer Copy indicates, in a hand written entry, a time of acceptance of 1:37 a.m. on December 4, 2003.

This apparently led U.S. Patent and Trademark Office personnel to give the application a filing date of December 4, 2003.

However, the Official U.S. Postal Service official website indicates a time of acceptance of 10:00 p.m. December 3, 2003, and an en route time of 10:57 p.m. on December 3, 2003.

In addition, the attached copy of the undersigned attorney's U.S. Postal Service Express Mail corporate account mailing statement, indicates an Express Mail postage charge of \$13.65 was incurred on December 3, 2003 for EL720605645US.

Finally, enclosed is a copy of a letter obtained from the U.S. Postal Service which states that the December 3, 2003 was correct according to their records.

It is thus respectfully submitted that the hand entered time on December 4, 2003 was due to some irregularity or delay in handling of the application after acceptance by the U.S. Postal Service on December 3, 2003 and the application filing date of December 3, 2003 should be awarded.

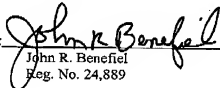
Favorable consideration is respectfully requested.

Attached is a Credit Card Payment Form for payment of the Petition fee due.

Respectfully submitted,

Date: April 14, 2004

By:


John R. Benefiel
Reg. No. 24,889

280 Daines Street, Suite 100 B
Birmingham, Michigan 48009
(248) 644-1455

FROM :

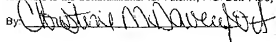
FAX NO. : 2486446530

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CERTIFICATE OF FACSIMILE UNDER 37 CFR 1.8(u)

It is hereby certified that this correspondence, along with any items referred to as being attached or enclosed, is being sent via facsimile to the Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450, on April 14, 2004

By



Apr. 14 2004 02:22PM P5

**POST OFFICE
TO ADDRESSEE**

FI 720605645 US

ORIGIN (POSTAL USE ONLY)			
PO ZIP Code # 8212	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Normal		Flat Rate Envelope <input type="checkbox"/>
Date In 12-4-03	<input type="checkbox"/> 1st class <input type="checkbox"/> 3 day		Postage \$ 12.65
Time In 11:30	<input type="checkbox"/> 1st day <input type="checkbox"/> 2nd day <input type="checkbox"/> 3rd day <input type="checkbox"/> 1st Alpha Country Code		Return Receipt Fee
Weight 1.66 lbs	<input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> 4th <input type="checkbox"/> 5th <input type="checkbox"/> 6th <input type="checkbox"/> 7th <input type="checkbox"/> 8th <input type="checkbox"/> 9th <input type="checkbox"/> 10th <input type="checkbox"/> 11th <input type="checkbox"/> 12th <input type="checkbox"/> 13th <input type="checkbox"/> 14th <input type="checkbox"/> 15th <input type="checkbox"/> 16th <input type="checkbox"/> 17th <input type="checkbox"/> 18th <input type="checkbox"/> 19th <input type="checkbox"/> 20th <input type="checkbox"/> 21st <input type="checkbox"/> 22nd <input type="checkbox"/> 23rd <input type="checkbox"/> 24th <input type="checkbox"/> 25th <input type="checkbox"/> 26th <input type="checkbox"/> 27th <input type="checkbox"/> 28th <input type="checkbox"/> 29th <input type="checkbox"/> 30th <input type="checkbox"/> 31st <input type="checkbox"/> 32nd <input type="checkbox"/> 33rd <input type="checkbox"/> 34th <input type="checkbox"/> 35th <input type="checkbox"/> 36th <input type="checkbox"/> 37th <input type="checkbox"/> 38th <input type="checkbox"/> 39th <input type="checkbox"/> 40th <input type="checkbox"/> 41st <input type="checkbox"/> 42nd <input type="checkbox"/> 43rd <input type="checkbox"/> 44th <input type="checkbox"/> 45th <input type="checkbox"/> 46th <input type="checkbox"/> 47th <input type="checkbox"/> 48th <input type="checkbox"/> 49th <input type="checkbox"/> 50th <input type="checkbox"/> 51st <input type="checkbox"/> 52nd <input type="checkbox"/> 53rd <input type="checkbox"/> 54th <input type="checkbox"/> 55th <input type="checkbox"/> 56th <input type="checkbox"/> 57th <input type="checkbox"/> 58th <input type="checkbox"/> 59th <input type="checkbox"/> 60th <input type="checkbox"/> 61st <input type="checkbox"/> 62nd <input type="checkbox"/> 63rd <input type="checkbox"/> 64th <input type="checkbox"/> 65th <input type="checkbox"/> 66th <input type="checkbox"/> 67th <input type="checkbox"/> 68th <input type="checkbox"/> 69th <input type="checkbox"/> 70th <input type="checkbox"/> 71st <input type="checkbox"/> 72nd <input type="checkbox"/> 73rd <input type="checkbox"/> 74th <input type="checkbox"/> 75th <input type="checkbox"/> 76th <input type="checkbox"/> 77th <input type="checkbox"/> 78th <input type="checkbox"/> 79th <input type="checkbox"/> 80th <input type="checkbox"/> 81st <input type="checkbox"/> 82nd <input type="checkbox"/> 83rd <input type="checkbox"/> 84th <input type="checkbox"/> 85th <input type="checkbox"/> 86th <input type="checkbox"/> 87th <input type="checkbox"/> 88th <input type="checkbox"/> 89th <input type="checkbox"/> 90th <input type="checkbox"/> 91st <input type="checkbox"/> 92nd <input type="checkbox"/> 93rd <input type="checkbox"/> 94th <input type="checkbox"/> 95th <input type="checkbox"/> 96th <input type="checkbox"/> 97th <input type="checkbox"/> 98th <input type="checkbox"/> 99th <input type="checkbox"/> 100th		COD Fee Insurance Fee
No Delivery <input type="checkbox"/> No Delivery <input type="checkbox"/> No Delivery <input type="checkbox"/> No Delivery	Acceptance Clerk Initials		Total Postage & Fees \$ 12.65


SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND LIMITS
ON INSURANCE COVERAGE

☐ **WAIVER OF SIGNATURE** (Domestic Only: Additional merchandise insurance is valid if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges this article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ **Weekend** ☐ **Holiday** _____
Customer Signature

Customer Copy
Label 11-F August 2000

CUSTOMER MAIL DAY V METHOD OF PAYMENT <u>A43547</u> Service Mail Deposit Refd. No.		POSTAGE PAID PERMIT NO. 100 POSTAGE OFFICE, NEW YORK, N.Y.	
FROM: (PLEASE PRINT) JEFFREY S. HOFFMAN 7300 34TH ST STE 1008 BAY RIDGE STATION NY 11716-8244 KAD-104	PHONE:	TO: (PLEASE PRINT) Comm. for Patients MD BOX 1430 Annapolis, VA 21403-1430 MD 21403-1430	PHONE:

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com 

FROM :

INQUIRY: PLEASE NOTIFY POSTMASTER

FAX NO. : 2486446530

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UNITED STATES POSTAL SERVICE

EXPRESS MAIL CORPORATE ACCOUNT
MAILING STATEMENT

PAGE:

1

ACCOUNT NO: 483912

PERIOD: 12/01/03 - 12/31/03

DATE	CHARGE BACK	LABEL NUMBER	ORIG ZIP	DEST ZIP	ADJ # REF #	POSTAGE	FEES		DEPOSITS	WITH-DRAWALS	CDA LEG
							PICKUP	DELIVERY			
BEGINNING BALANCE:						39.55					
12/03/03		EL720605637US	48242	22513		13.45					
12/03/03		EL720605648US	48242	22513		13.45					
12/16/03		EL720605711US	48012	22513		13.45					
12/20/03		EL720605828US	48012	22513		13.45					
12/23/03		EL720605819US	48012	22513		13.45					
12/23/03		EL720605827US	48012	22513		21.05					
12/23/03		EL720605844US	48012	22513		21.05					
SUB-TOTAL:						110.35					
(A) TOTAL CHARGES:						110.35	0.00	0.00			
(B) TOTAL ADJUSTMENTS (B):						0.00	0.00	0.00			
(C) TOTAL REFUNDS (C):						0.00	0.00	0.00			
TOTAL (A + B - C):						110.35	0.00	0.00			
12/22/03		DEPOSIT									
ENDING BALANCE:						146.70			217.50		



FROM :

FAX NO. : 2485446530

Apr. 14 2004 02:23PM P7

CONSUMER AFFAIRS AND CLAIMS

UNITED STATES
POSTAL SERVICE

April 8, 2004

John R. Benefiel
280 Daines St.
Birmingham, MI 48009-6244

Dear Mr. Benefiel:

This response is to your inquiry regarding Express Mail articles EL720605645US and EL720605637US.

Our records indicate that the Express Mail articles were accepted or picked up in Detroit, Michigan at 10:00 p.m. on December 3, 2003. Enclosed is the acceptance and delivery information from our Product Tracking System (PTS). This information is available on our website, usps.com, in the Track and Confirm section.

If you need additional assistance with this matter, please feel free to call me at (248) 546-1311.

Sincerely,

Lisa D. Riebel
Consumer Affairs Associate
Royal Oak District

Reference: CA13497402

Enclosure

FROM :

USPS - Track & Confirm



FAX NO. : 2486446538

Apr. 14 2004 02:24PM PG

Page 1 of 1

Home

Track & Confirm

Shipment Details

You entered EL72 0605 645U S

Your item was delivered at 11:25 am on December 05, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by M BOSTON.

Here is what happened earlier:

- ARRIVAL AT UNIT, December 05, 2003, 8:19 am, DULLES, VA 20102
- ENROUTE, December 03, 2003, 10:57 pm, DETROIT, MI 48242
- ACCEPTANCE, December 03, 2003, 10:00 pm, DETROIT, MI 48242

Notification Options

▶ Track & Confirm by email

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▶ Request Proof of Delivery

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